

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KFD ENTERPRISES, INC.,

No. C 08-4571 MMC

Plaintiff,

v.

CITY OF EUREKA,

Defendant.

**ORDER VACATING APRIL 1, 2011  
HEARING ON DEFENDANTS'  
RESPECTIVE MOTIONS TO DISMISS,  
DEFENDANT ERI'S MOTION FOR  
JUDGMENT ON THE PLEADINGS;  
PLAINTIFFS' MOTION FOR LEAVE TO  
AMEND**

\_\_\_\_\_  
And Related Counterclaims, Cross-claims,  
and Third-Party Claims.  
\_\_\_\_\_


Before the Court are the following six separate motions, each of which is fully briefed and noticed for hearing April 1, 2011: (1) Firbimatic SpA ("Firbimatic") and RR Street, Inc. & Co.'s ("RR Street") joint motion, filed December 24, 2011, to dismiss the City of Eureka's ("the City") Fourth Amended Counter-Claim and Cross-Claim ("4ACC"); (2) Environmental Resolutions, Inc.'s ("ERI") motion, filed February 18, 2011, to dismiss KFD Enterprises, Inc.'s ("KFD") Fourth Amended Complaint ("4AC") and for judgment on the pleadings with respect to the City's 4ACC; (4) Firbimatic's motion, filed February 18, 2011, to dismiss KFD's 4AC; (5) RR Street's motion, filed February 18, 2011, to dismiss KFD's 4AC; (6) the

1 City's motion, filed February 18, 2011, to dismiss KFD's 4AC; and (6) KFD's "Motion for  
2 Leave to File Fifth Amended Complaint," filed February 18, 2011.

3 Having read and considered the papers filed in support of and in opposition to the  
4 motions, the Court deems the matters suitable for decision thereon, and VACATES the  
5 hearings scheduled for April 1, 2011.

6 **IT IS SO ORDERED.**

7  
8 Dated: March 29, 2011

  
MAXINE M. CHESNEY  
United States District Judge